

### **Remarks**

#### **35 U.S.C. §101**

Claim 11 has been cancelled.

#### **35 U.S.C. §102(e)**

Of claims 1 to 10 and 12 to 18, independent claims 1, 8, 9, 10, 12 and 17 have been amended to more clearly define the mechanism of setting up/establishing a communication session by nesting a label switched path within an existing label switched path, claims 2 to 7 are retained as filed, claims 13 to 16 are retained as previously amended and claim 18 is cancelled. Basis for the amendment of the independent claims is found at page 9, lines 21 to 30 of the specification.

The Examiner has rejected the claims as being anticipated by Mauger (US6522627). This prior art reference is in the common ownership of the assignee of the present application, Nortel Networks Limited, and thus its content is familiar to the applicant.

Mauger does not teach setting up/establishing a label switched path within an existing label switched path.

Mauger teaches carrying connection oriented services in user tunnels set up in engineering tunnels established across an IP network. An engineering tunnel is a permanent or semi-permanent entity that is set up across a number of network nodes although it is not an end to end tunnel across the network (column 4, lines 7 to 9). Furthermore, engineering tunnels are defined in an engineering layer which is used to divide up capacity in the physical network (column 3, lines 63 to 65). In contrast, a user tunnel is a temporary entity that exists for the duration of a network transaction (column 4, lines 10 to 15).

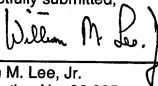
An engineering tunnel as taught by Mauger is not a label switched path as would be understood by one of ordinary skill in the art from the context of the present invention. Furthermore, as is implicit from the claims defining the present invention, the label switched path established within an existing label switched path is a same type of entity as the existing label switched path. Mauger teaches the use of two different types of entity for establishing user tunnels within engineering tunnels. The permanent or semi-permanent nature of the engineering tunnels restricts the versatility of the resulting network as taught by Mauger in contrast with the present invention where the method of nesting a label switched path within an existing label switched path provides a mechanism for constructing a hierarchy of label switched paths within other such paths and the means of setting up and tearing down said nested paths is common to all paths within the hierarchy thereby providing a common processing layer in the network rather than the separation in processing layers encumbered by the different forms of tunnel taught by Mauger.

It is apparent from the foregoing that Mauger does not teach or suggest all of the limitations of the claims of the present application nor does it provide any means or directions that would enable a skilled person to arrive at the arrangement of the present invention.

Therefore, Applicants respectfully submit that the present application is in condition for allowance and solicit such action.

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Respectfully submitted,

A handwritten signature in cursive script, reading "William M. Lee, Jr.", positioned above a horizontal line.

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